

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

D.V.D.; M.M.; E.F.D.; and O.C.G.,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND SECURITY;
Kristi NOEM, Secretary, U.S. Department of
Homeland Security, in her official capacity; Pamela
BONDI, U.S. Attorney General, in her official
capacity; and Antone MONIZ, Superintendent,
Plymouth County Correctional Facility, in his official
capacity,

Defendants.

Case No. 25-cv-10676-BEM

**DEFENDANTS' UNOPPOSED MOTION TO EXTEND TIME TO
RESPOND TO PLAINTIFFS' COMPLAINT**

Defendants respectfully move for an extension of time to answer or otherwise respond to Plaintiffs' complaint. Specifically, Defendants ask the Court to extend their deadline to respond until 21 days after the Court rules on Defendants' pending Motion to Stay Proceedings Pending Appeal (ECF No. 206). Defendants' response is currently due September 5, 2025. This is Defendants' third request for an extension of this deadline. *See* Tr. of May 21, 2025 H'rg at 120; ECF No. 117. Plaintiffs do not oppose this motion.

There is good cause for this motion as follows:

1. On March 23, 2025, Plaintiffs filed their Complaint. ECF No. 1. On May 21, 2025, the Court extended Defendants' deadline to respond to the Complaint until July 2, 2025. ECF No. 117. On July 3, 2025, the Court granted a second extension of Defendants' deadline. ECF No. 187. Accordingly, Defendants' response is currently due September 5, 2025. *Id.*
2. On August 1, 2025, Defendants filed a Motion to Stay Proceedings Pending Appeal. ECF

No. 206. That motion seeks to stay all proceedings in this case, including further litigation on the merits of Plaintiffs' claims and any briefing on a motion to dismiss, pending the outcome of Defendants' appeal of this Court's preliminary injunction. The Court heard argument on that motion on August 25, 2025, and the motion remains pending. *See* ECF No. 211.

3. If Defendants' stay motion is granted, the parties will not engage in further district court proceedings, including motion to dismiss briefing, until after the appeal is resolved. Accordingly, an extension is warranted to preserve the Court's and the parties' resources and prevent the expenditure of time and resources on briefing that the Court may ultimately determine to be unnecessary.
4. Furthermore, Defendant's appeal of the preliminary injunction remains pending before the First Circuit, and that appeal involves many of the same issues—including threshold jurisdictional issues—that this Court would necessarily consider in any motion to dismiss filed by Defendants.
5. On September 3, 2025, undersigned counsel conferred via email with counsel for Plaintiffs, who indicated that Plaintiffs do not oppose this motion.
6. Accordingly, Defendants ask the Court to extend their deadline to respond to Plaintiffs' complaint by 21 days after a ruling on Defendants' motion to stay proceedings.

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General

DREW C. ENSIGN
Deputy Assistant Attorney General

ELIANIS N. PEREZ
Assistant Director

MARY L. LARAKERS
Senior Litigation Counsel

/s/Matthew P. Seamon
MATTHEW P. SEAMON
Senior Litigation Counsel
U.S. Department of Justice, Civil Division
Office of Immigration Litigation
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
(202) 598-2648
(202) 305-7000 (facsimile)
Matthew.Seamon2@usdoj.gov

LOCAL RULE 7.1 CERTIFICATION

I, Matthew Seamon, certify that pursuant to L.R. 7.1(a)(2), counsel for Defendants conferred with counsel for Plaintiffs, who do *not* oppose this motion.

/s/ Matthew P. Seamon

MATTHEW P. SEAMON

Senior Litigation Counsel

Dated: September 4, 2025

CERTIFICATE OF SERVICE

I, Matthew Seamon, Senior Litigation Counsel, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Matthew P. Seamon

MATTHEW P. SEAMON

Senior Litigation Counsel

Dated: September 4, 2025